

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULI WINTJEN, on behalf of herself and all others similarly situated, Plaintiff, v. DENNY'S, INC., <i>et al.</i> , Defendant.	Civil Action No. 19-cv-00069
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ORDER OF DISTRIBUTION OF JUDGMENT

AND NOW, this 22nd day of April, 2025, upon review and consideration of Plaintiff Juli Wintjen's ("Plaintiff")¹ motion for distribution of judgment, the Court orders as follows:

1. The Claims Administrator will calculate each Rule 23 Class member's portion of the judgment previously entered by the Court against Defendant and for the Rule 23 Class in the amount of \$ 3,026,474.32 (ECF No. 366) ("Judgment Amount") as follows:
 - i. The Claims Administrator will deduct from the Judgment Amount (i) any award to Plaintiff for serving as Named Plaintiff that the Court awards ("Service Payment") and (ii) the fees and expenses of the Claims Administrator for performing this distribution. The resulting number will be referred to as the "Net Damages Amount."

¹ All capitalized terms used in this Order, unless otherwise defined herein, shall have the meanings ascribed to them in the Settlement Agreement, which was previously submitted to the Court (*see* ECF Nos. ECF No. 309-1 and ECF No. 328-1).

ii. For each Rule 23 Class member, the Claims Administrator will total the amount of tip credit taken by Defendant for all hours worked under the “05-Server” job code during the Class Period. To expedite this calculation, the Claims Administrator shall use, if possible, its prior calculations performed during this course of litigating this Action. The Claims Administrator will then add the total amounts owed for all hours worked for each Rule 23 Class member under the “05-Server” job code. This number will be referred to as the “Individual Recovery Amount.”

iii. The Individual Recovery Amount for all Rule 23 Class members will then be added together by the Claims Administrator to determine the “Total Recovery Amount.”

iv. The Net Damages Amount will be divided by the Total Recovery Amount.

v. The resulting fractional amount will then be multiplied by an Individual Recovery Amount to determine each Rule 23 Class member’s “Damages’ Payment.”

vi. The Claims Administrator shall then mail each Rule 23 Class member a check representing their Damages Payment. Said check shall indicate that such check must be negotiated within one hundred eighty (180) days. The Claims Administrator shall notify the Court after the expiration all Damages’ Payment checks deadlines whether there are any uncashed checks.

vii. Any uncashed checks shall be subject to the same cy pres distribution requirements set forth in the Settlement Agreement, with the Claims Administrator notifying each Rule 23 Class member in a letter to be sent with their Damages Payment.

2. Prior to distribution, Class Counsel shall submit a letter to the Court advising the Court of the total amount of fees and expenses incurred by the Claims Administrator for performing the distribution.

3. The Court has determined that, based on the evidence presented to it, a Service Payment is appropriate to Plaintiff Wintjen. She is hereby awarded a Service Payment in the following amount: Two Thousand Five Hundred Dollars (\$2,500.00). This Service Payment has been determined by the Court to be fair, reasonable, and appropriate. The Service Payment shall be paid to Plaintiff Wintjen in accordance with the terms of this Order and shall be sent to Plaintiff along with her Damages Payment. Other than these payments, no other monies shall be paid to Plaintiff in connection with the Judgment Amount.

4. The Court finds that the distribution formula and methodology is approved as fair, reasonable, and adequate.

5. The Parties are hereby ordered to comply with the terms of this Order.

SO ORDERED, this

22nd day of April, 2025.

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
UNITED STATES DISTRICT JUDGE